REMARKS

Applicants appreciate the continued thorough examination of the present application that is evidenced in the Office Action of May 31, 2005. Applicants also appreciate the withdrawal of the previous claim rejections. As discussed herein, Applicants have amended Claims 1, 19 and 21 to address the rejections under 35 U.S.C. § 112, ¶ 2. Applicants have carefully reviewed the pending rejections under 35 U.S.C. § 103, but have not amended the claims in response thereto as Applicants believe that the combination of cited references do not disclose or suggest all of the recitations of the pending claims, nor do Applicants believe that a person of skill in the art would have been motivated to combine the references in the manner stated in the rejections. Accordingly, Applicants respectfully submit, for the reasons explained below, that the pending claims are now all in condition for allowance, which is respectfully requested.

I. The Rejections Under 35 U.S.C. § 112

Claims 1-8, 19 and 21 stand rejected under 35 U.S.C. § 112, ¶ 2 based on the phrase "IP" being contained within parentheses. Consistent with the Examiner's suggestion, Applicants have amended Claims 1, 19 and 21 to remove the parentheses, quotes and the term "Internet protocol", thereby fully addressing the Section 112 rejections.

II. The Rejection Under 35 U.S.C. § 101

Claim 21 stands rejected under 35 U.S.C. § 101 based on the statement in the specification that the computer program products of the present invention may reside on a computer-useable storage medium, where the computer readable storage medium may include transmission media such as those supporting the Internet or an intranet. In particular, this statement from the specification has been interpreted in the Office Action as including carrier waves, which the Office Action states comprise an intangible medium that is non-statutory subject matter. Applicants respectfully traverse this rejection.

Claim 21 is directed to a computer program product that includes a computer usable storage medium having computer readable program code means embodied in the medium. Applicants respectfully submit that persons of skill in the art will appreciate that the statement in the specification regarding "transmission media" is directed to transmission hardware/software

such as the hardware/software that supports Internet or intranet communications. The "transmission media" referred to in the specification is expressly described as a "computer readable medium." Persons of skill in the art will appreciate that carrier waves existing in space do not comprise a "computer readable medium", but instead only become computer readable when down-converted, demodulated, decoded and the like by transmission media hardware/software. Accordingly, the "transmission media" referred to in the specification and covered by Claim 21 comprises tangible transmission hardware/software that comprises statutory subject matter under 35 U.S.C. § 101.

III.   The Rejections Under 35 U.S.C. § 103

A.   The Rejections of Claims 1, 2, 5, 8, 19 and 21

Claims 1, 2, 5, 8, 19 and 21 stand rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,881,239 to Desgrousilliers ("Desgrousilliers") in view of IBM TDB-ACC-No. NNRD422115 ("the IBM '115 reference"). In particular, the Office Action states that Desgrousilliers discloses reestablishing the IP connection between a server and a client and further teaches forwarding a request to a host application. (Office Action at 4, ¶ 10(a)). The Office Action concedes that Desgrousilliers does not teach (1) that the server or client are TN3270E servers or clients, (2) that the host application is an SNA application or (3) that the request sent to the host application is a screen refresh request. (Office Action at 4, ¶ 10(a)). The Office Action states, however, that the IBM '115 reference discloses an SNA host and sending screen requests from a 3270 server to a 3270 client, and that it would have been obvious to combine Desgrousilliers and the IBM '115 reference to arrive at the invention of Claims 1, 2, 5, 8, 19 and 21. (Office Action at 4-5, ¶ 10(a)). Applicants respectfully traverse these rejections.

Desgrousilliers discloses a method of recovering from a failure in a session between a host application and a client that is controlled by a server. (Desgrousilliers at Abstract). Pursuant to this method, the session is divided into a "lower half" session between the server and the client and an "upper half" session between the host application and the server. (Desgrousilliers at Col. 4, lines 32-49). If a link failure occurs anywhere along the path of the lower half session, operation of the upper half session is permitted to proceed. (Desgrousilliers

at Col. 5, lines 55-61). Thus, the server continues to receive requests from the application programs, which the server processes and stores in buffers. (Desgrousilliers at Col. 5, lines 61-65). Once the end-to-end link is reestablished, the server forwards each of the buffered requests to the client. (Desgrousilliers at Col. 6, lines 1-17).

In contrast to the method disclosed in Desgrousilliers, the method of Claim 1 preserves a session between an SNA application and a TN3270E client by "forwarding a screen refresh request **to** the SNA application" after the IP connection between the TN3270E server and the TN3270E client is reestablished. (Claim 1, emphasis added). While the Office Action states at page 4 that Col. 3, lines 10-13 of Desgrousilliers discloses "forwarding [a] request **to** the host application", the cited portion of Desgrousilliers in fact involves forwarding a request **from** a host application to a server. (*See* Office Action at 4, ¶ 10(a), emphasis added; Desgrousilliers at Col. 3, lines 10-13). In fact, it is clear that Desgrousilliers does not teach or disclose forwarding any request **to** a host application as part of the fault recovery process – instead, Desgrousilliers involves buffering messages that are sent **from** the host application so that those messages don't have to be regenerated after the session is reestablished. Thus, the cited art fails to teach or disclose "forwarding a screen refresh request to the SNA application" as recited in Claims 1, 19 and 21 and, as such, the rejections of those claims should be withdrawn.

Applicants also respectfully traverse the rejections of Claims 1, 2, 5, 8, 19 and 21 because the "requests" referred to in Desgrousilliers are simply standard "I/O requests from the application program" that have nothing to do with the fault recovery process. (*See, e.g.,* Desgrousilliers at Col. 2, lines 25-36 and Col. 5, lines 60-65). In contrast, the screen refresh request of the present application is used to preserve a session even when the IP connection that is part of the communications link is temporarily lost. (*See* Claim 1). While the IBM '115 reference mentions in passing that screen refresh messages may be sent across TCP and SNA sessions, nothing in either Desgrousilliers or the IBM '115 reference discloses or suggests using such screen refresh messages as part of the recovery process.

Accordingly, for at least each of the above reasons, the rejections of Claims 1, 2, 5, 8, 19 and 21 should be withdrawn.

Claim 5, which depends from Claims 1 and 2, further recites that "the screen refresh received from the SNA application and forwarded to the TN3270E client comprises a last data screen that was forwarded from the SNA application and acknowledged as received by the TN3270E client." The Office Action states that this recitation is disclosed at Col. 3, lines 29-37 of Desgrousilliers. (Office Action at 5, ¶ 10(c)). However, all that the cited portion of Desgrousilliers states is that the processing results achieved during a partially completed session are not wasted if service is resumed in accordance with the methods of Desgrousilliers. This statement clearly does not teach or disclose forwarding a particular data screen from an SNA application to a TN3270E client, namely the last data screen that had been acknowledged as received by the client. Accordingly, the failure of the cited references to teach or disclose this subject matter provides an independent basis for withdrawal of the rejection of Claim 5.

B.   The Rejections of Claims 3-4 and 6-7

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Desgrousilliers in view of the IBM '115 reference and U.S. Patent No. 5,325,361 to Lederer et al. ("Lederer"). Claims 4, 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Desgrousilliers in view of the IBM '115 reference, Lederer and U.S. Patent No. 6,374,207 to Li ("Li"). Applicants also respectfully traverse each of these rejections.

As an initial matter, Claims 3-4 and 6-7 each depend from Claim 1. Accordingly, the rejections of each of these claims should be withdrawn for each of the reasons discussed in the preceding section that the rejection of Claim 1 should be withdrawn.

Claim 3 recites that "the step of forwarding a screen refresh request to the SNA application comprises sending an LUSTAT message to the SNA application." The Office Action states that Lederer discloses transmitting an LUSTAT message from a host computer to a host application, and that it would have been obvious to forward a screen refresh to the application by forwarding an LUSTAT message to the application. (Office Action at 5-6, ¶ 11). Applicants respectfully submit, however, that none of the cited references teach or disclose "forwarding a screen refresh request to the SNA application" by "sending an LUSTAT message to the SNA application" as recited in Claim 3. There simply is no teaching or suggestion in any of the cited art that the screen refresh request may be accomplished by sending an LUSTAT message to the

SNA application. Instead, as noted in the Office Action, Lederer states that the LUSTAT RU message tells the SNA application "that it may now transmit data." (Office Action at 5-6, ¶ 11). Moreover, the Office Action fails to provide any rationale as why a person of skill in the art would have been motivated to combine Desgrousilliers, the IBM '115 reference and Lederer in the manner indicated in the rejections. Applicants submit that such motivation simply does not exist as the cited references are directed to different systems and different problems.

With respect to Claims 4, 6 and 7, Applicants note that Li is only potentially prior art under 35 U.S.C. § 102(e), and is assigned to International Business Machines Corporation of Armonk, NY, which is the same assignee of the present application. Accordingly, pursuant to 35 U.S.C. § 103(c), Li cannot be used as a Section 103 prior art reference against the claims of the present application. Thus, the rejections of Claims 4, 6 and 7 should also be withdrawn for at least this additional reason (without even considering the teachings of Li).

IV.   Conclusion

Applicants again wish to thank the Examiner for the thorough examination of the application. Applicants believe that the claims are all in condition for allowance, which is respectfully requested. Should the Examiner have any questions, please feel free to call Applicants representative at (919) 854-1422.

Respectfully submitted,

D. Randal Ayers
Registration No. 40,493
Attorney for Applicants

Customer Number 46589
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)